

## Audio/Video Recording Devices

### 430.1 PURPOSE AND SCOPE

Any and all audio / video recording devices provide additional documentation of police/public encounters and may be an important tool for collecting evidence, employee training and maintaining public trust. The Torrance Police Department has equipped police vehicles and employees with various audio / video recording devices to provide records of events and assist employees in the performance of their duties, including enhanced officer safety. This policy provides guidance on the use of these recording devices.

#### 430.1.1 DEFINITIONS

- (a) **Body Worn Camera (BWC)** – Audio and Video recording device in or on an officer's uniform issued by the Department.
- (b) **In Car Camera (ICC)** – Any system that captures audio and video signals, that is capable of installation in a vehicle (or motorcycle).
- (c) **Activate** – Any process that causes the BWC or ICC system to transmit or store audio/video or data in an active mode.
- (d) **Recorded Media** – Audio/Video signals recorded or digitally stored on a storage device or portable media.
- (e) **Upload** – Manually transferring recorded media from a device to a storage location.
- (f) **Offload** – Automatically (wirelessly) transferring recorded media from a device to a storage location.
- (g) **Officers** - Refers to all sworn employees who are issued a BWC.

It is the intent of this policy to encompass any and all audio and/or video type recording devices regardless of make, model, type of deployment, etc. Examples include Body Worn Cameras (BWCs), In Car Cameras (ICCs), audio only recorders, drone video recording, cellular (Smart) telephones, motor officer helmet cameras, etc. Simply, any device that can capture and/or record any type of media (digital or analog) is to be considered an audio / video recording device for the purpose of this policy regardless of personally or department owned.

### 430.2 POLICY

The Torrance Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

### 430.3 OFFICER RESPONSIBILITIES

Prior to going into service, all uniformed officers assigned to field duty (i.e., Patrol, Traffic, SRO) shall properly equip him/herself to record audio/video in the field (this includes a charged BWC battery). At the start of each shift, officers should test their BWC and ensure the vehicle assigned

## *Audio/Video Recording Devices*

---

to him/her (if applicable) has a working ICC system. Prior to going into service, officers shall log on to the ICC systems (if applicable) via the Mobile Data Computer (MDC) or the tablet. If the ICC system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests that the vehicle stay in service.

### **430.4 USE OF AUDIO/VIDEO RECORDING DEVICES**

All personnel shall adhere to the following when utilizing an audio / video recording device:

- (a) All officers shall record all traffic stops via the ICC system (if applicable). The activation of the ICC system shall be prior to the stop and continue until the stop is concluded (including prisoner transportation if applicable).
- (b) Uniformed officers assigned to field duty (i.e., Patrol, Traffic, SRO) shall wear their assigned recording device (BWC), in the "ON DUTY" mode at all times while on duty and in the field.
- (c) Uniformed officers assigned to field duty (i.e., Patrol, Traffic, SRO) shall activate their BWC to record any field contact involving City, Department, or individual liability, criminal evidence collection (i.e., suspect/victim/witness statements), or which is reasonably expected to be or is actually a threshold incident. The activation should be prior to the contact, or as soon as safely possible to do so, and continue until the contact or event is concluded. Threshold incidents include, but are not limited to:
  - 1. Prolonged detentions or curbing.
  - 2. Verbally or physically resistant subjects to include challenging an officer to fight.
  - 3. Allegations of racial or sexual bias or other misconduct.
  - 4. Any incident where litigation or a personnel complaint is mentioned, or where a supervisor is requested.
  - 5. Any incident wherein during the contact the subject infers the officer is lying.
  - 6. Any incident where a use of force is reasonably expected, or a use of force occurs, and during any use of force follow-up activity.
  - 7. All "knock and talk" investigations.
  - 8. All requests to search property.
  - 9. All Miranda rights advisements and interviews.
- (d) Non-uniformed officers (i.e., Detectives, SID) are not required to wear their assigned BWC while in a non-uniform capacity except during specified enforcement-related activity (see subsection below).
- (e) Non-uniformed officers shall wear and activate their BWC to record specified enforcement-related activity such as the execution of a search warrant, an arrest warrant, a Fourth Amendment waiver search, or a consent search in which the officer is looking for evidence or contraband.
- (f) Officers assigned to Special Weapons and Tactics (SWAT) are not required to wear their assigned BWC, nor activate their BWC, while conducting SWAT operations (i.e.,

# Torrance Police Department

## TPD Policy Manual

### *Audio/Video Recording Devices*

---

execution of a search warrant, arrest warrant, barricade, etc.), unless directed to do so by the SWAT Commander. SWAT Team Leaders (supervisors), however, are required to activate their audio recorders during such SWAT operations.

- (g) Officers are not required to wear their BWC during special occasions such as promotional ceremonies, academy graduations, award ceremonies, the Police Memorial, and funerals.
- (h) Officer safety and the safety of the public should be the primary considerations when contacting citizens, not the ability to record an event.
- (i) Officers should avoid recording other agency personnel, whenever possible.
- (j) All requests for a copy of a recording should go through the Department's Records Division, the Internal Affairs Section or the City Attorney's Office.
- (k) Officers' recordings shall be reviewed by a supervisor following a complaint, for discovery requests, training purposes, traffic collision / use of force reviews, as evidence associated with a criminal investigation, or department or personal civil liability, and may be reviewed by a supervisor to evaluate policy compliance.
- (l) When appropriate, officers may inform individuals they are being recorded as part of the contact. Officers are not required to obtain consent prior to activating their recording device when the officer is lawfully in the location where the recording takes place. In locations where individuals have a reasonable expectation of privacy such as a residence, they may decline to be recorded unless the recording is of an arrest, search, or other enforcement action.
- (m) Officers may choose not to record an encounter with a witness, informant, or victim who refuses to provide a statement if recorded and the encounter is non-confrontational.
- (n) Officers may choose not to record an encounter while in a health care facility for the sole purpose of waiting for an arrestee to be medically cleared.
- (o) Officers may choose not to record if, in the officer's judgment, the recording would interfere with the ability to conduct a thorough investigation, or may be inappropriate because of the victim's physical condition, emotional state, age or other sensitive circumstances (rape, or other form of sexual assault).
- (p) Officers have the discretion to mute the audio when they deem appropriate, for private conversations.
- (q) Strip searches shall not be video recorded unless the circumstance escalates into a threshold incident.
- (r) Audio/video recorders shall not be used to record off-duty or non-work related activity.

#### 430.4.1 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, recording devices should not be used where an explosive device may be present.

## *Audio/Video Recording Devices*

---

### **430.4.2 APPROVAL OF DEVICES NOT ISSUED BY THE DEPARTMENT**

Motor officers, desirous of deploying a personal video recording device (i.e., helmet camera), not issued by the Department, must have the device approved by the Communications Division Commander. The quality of the video recording device needs to be reviewed as well as police department computer system compatibility for uploading the video files to the CAD/RMS system.

### **430.5 AUTOMATIC ACTIVATION OF THE IN CAR CAMERA (ICC)**

The In Car Camera (ICC) recording device will be automatically activated once the emergency lights are activated on an emergency vehicle. It should be noted that after an automatic activation, it is the employee's responsibility to manually stop the recording when deemed appropriate.

### **430.6 UPLOAD/OFFLOADING OF RECORDINGS**

All BWC and ICC audio/video recordings will automatically be offloaded to Avail Web ("the cloud") once within range of the Torrance Police Department or a public/private WiFi network.

All audio/video recordings from devices other than BWCs and/or ICCs that contain information of evidentiary value in a criminal case and/or actual or potential City, Department, or individual liability shall be noted via the assigned incident number and transferred to the Police Department's network for storage.

Any recording that requires an upload / offload per this policy, shall be uploaded / offloaded by the end of his/her shift. If the end of shift occurs outside of the City of Torrance jurisdiction, the employee shall return to the station to upload / offload the recording(s) prior to truly ending his/her shift, unless the upload / offload can be completed via a public/private WiFi network.

The storage of BWC audio/video in Spillman is discouraged as it is already stored in Avail Web; however, BWC photographs (i.e., FI photos, evidentiary photos and/or investigative photos) should be uploaded to Spillman.

### **430.7 AUDIO/VIDEO RECORDING RETENTION**

All recordings that are on the Police Department's network shall be retained in accordance with the Department's records retention schedule. All recordings that have a "legal hold" will be retained indefinitely until cleared by the City Attorney's Office.

### **430.8 REPORT WRITING/DOCUMENTATION**

Employees who upload / offload any audio / video recording should note the existence of the media in the official report (if a report is taken).

### **430.9 EMPLOYEE REVIEWING OF AUDIO/VIDEO RECORDINGS**

Employees are permitted to review their recording(s) at any time, particularly prior to preparing any written reports or making any statements about any incident. This includes any administrative investigation(s). Employees shall document in the report the fact that the recording was viewed.

## *Audio/Video Recording Devices*

---

Employees may access only his/her own recordings. Employees are not permitted to access recordings belonging to any other employees (this excludes supervisors and investigators assigned to the case), without the employees consent.

At no time shall any recording be used or shown for the purpose of ridiculing or embarrassing anyone.

### **430.10 ADMINISTRATIVE OR SUPERVISORY REVIEW OF RECORDINGS**

For the purposes of ensuring incidents are being recorded per this policy, a supervisor may review employees' recordings to evaluate policy compliance and performance. Supervisors/managers shall not review recordings for the sole purpose of searching for violations of Department policy not related to a specific complaint or incident not associated with the assessment of employee performance as indicated elsewhere in this policy. However, a supervisor may review recordings under the following, or similar type circumstances:

- (a) Following a complaint
- (b) Discovery requests
- (c) Training purposes
- (d) Traffic collisions
- (e) Use of Force reviews
- (f) Evidence associated with criminal investigation
- (g) Department or civil liability

Viewing the device history is prohibited unless in conjunction with an investigation and approved by a supervisor.

### **430.11 SURREPTITIOUS RECORDINGS**

Except for authorized investigations, no employee shall surreptitiously audio or video record any conversation with any City employee.

### **430.12 CARE AND MAINTENANCE**

Employees are responsible for the proper daily care, maintenance, charging and / or batteries of any Police Department issued audio / video equipment. Employees shall be responsible for making sure their audio / video recording devices are in good working condition prior to each shift or deployment. Broken or malfunctioning equipment are to be reported to the employee's immediate supervisor for repair or replacement. The supervisor will determine if any documentation (i.e., TPD 41, etc.) is required for the repair or replacement. Employees shall not tamper with or dismantle any hardware or software component of any recording device.

## *Audio/Video Recording Devices*

---

### **430.13 COORDINATOR**

The Chief of Police or designee shall appoint a member(s) of the Department to coordinate the use, maintenance, and training of audio / video recording devices and the storage of recordings, including:

- (a) Establishing a system for downloading, storing, and security of recordings.
- (b) Designating persons responsible for downloading recorded data (other than the employee him/herself).
- (c) Establishing a maintenance system to ensure availability of operable devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting, and copying recordings and ensure chain of custody integrity.
- (f) Working with the City Attorney's Office to ensure an appropriate retention schedule for recordings and associated documentation.
- (g) Isolating accidental recordings upon request of the applicable Division Commander.
- (h) Maintaining logs of access and isolations of recordings (Penal Code 832.18).

There may be multiple Coordinators (i.e., a Coordinator for Body Worn cameras, a Coordinator for audio only recording devices, etc.).

### **430.14 PROHIBITION AGAINST MODIFICATION OF RECORDINGS**

Employees shall not copy, edit, alter, erase, or otherwise modify in any manner any audio / video recording except as authorized by the Chief of Police or by law.

### **430.15 LEGAL**

Any and all audio and / or video recordings captured in the scope of the employee's duties shall be the property of the Torrance Police Department. Employees shall have no expectation of privacy or ownership interest in the content of these recordings.

Employees are strictly prohibited from distributing any audio / video recordings outside of the Police Department, City Attorney's Office or the District Attorney's Office without expressed permission from a supervisor.

Employees shall cease recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (California Penal Code 636).